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November 3, 2022

VIA ECF

Honorable Georgette Castner
U.S. District Court for the District of New Jersey
402 East State Street
Trenton, NJ 08608

**Re: *Zangara v. National Board of Medical Examiners*
(Case No. 3:22-cv-1559-GC-LGH)**

Dear Judge Castner:

We represent Defendant National Board of Medical Examiners (“NBME”) in the above-captioned matter. We write pursuant to Local Civil Rule 7.1(d)(6) to request permission to file a sur-reply in response to Plaintiff Jason Zangara’s 61-page reply brief filed on October 24, 2022.

On September 26, 2022, Mr. Zangara filed a motion asking the Court to enter a preliminary injunction relating to the manner in which NBME allegedly scores examinations that NBME develops as part of its mission to protect public health through state-of-the-art assessments that evaluate the knowledge and skills of prospective health care professionals. (*See* Dkt. 19). NBME filed an opposition to Mr. Zangara’s preliminary injunction motion on October 17, 2022, supported by a declaration from Carol Morrison, Ph.D., a psychometrician who works for NBME. (*See* Dkt. 25, 25-1). Mr. Zangara then filed a 61-page reply brief on October 24, 2022. (Dkt. 26).¹

Mr. Zangara’s reply brief falsely accuses Dr. Morrison of committing perjury in her declaration, and NBME of submitting “fraudulent” documents to the Court. NBME, therefore, respectfully seeks leave to file a short sur-reply responding to the false accusations made by Mr. Zangara regarding Dr. Morrison and NBME. The proposed sur-reply is attached as an exhibit hereto.

¹ Mr. Zangara filed the oversized brief without seeking leave of Court to exceed the 15-page limit for reply briefs under Local Civil Rule 7.2(b).

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We thank the Court for its consideration.

Respectfully submitted,

/s/ Adam R. Mandelsberg
Adam R. Mandelsberg

cc: All parties via ECF